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10/730,228

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Ronald P. Akialis JR.

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FORT COLLINS, CO 80527-2400

EXAMINER

JOHNSON, GREGORY L

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/730,228	Applicant(s) AKIALIS ET AL.	
	Examiner GREGORY JOHNSON	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed September 2, 2008

Status of Claims

2. Claims 1-30 have been amended and are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 was previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of Application's amendment, the rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-4 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez et al., Pub. No. 2002/0194138 (hereinafter Dominguez), in view of Putta et al., Pub. No. 2001/0032192 (hereinafter Putta) and Friedman et al., Pub. No. 2003/0208556 (hereinafter Friedman).

As to claims 1 and 13-14, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:
 - a payor (e.g. cardholder name; §0050),
 - an amount to be paid (e.g. payment amount; §0066),
 - an account to be used to make a payment (e.g. card account number; §0066),
 - a credit card number or a debit card number (e.g. card account number; §0066), and
 - a verification code for the credit card number or the debit card number (e.g. cardholder verification value 2 (CVV2); §0053 and §0068);
- editing the information sent by the biller and returning edit failure information to the consumer and the biller if editing fails (e.g. the issuer financial institution processing of the authorization transaction; §0068);
- if the editing does not fail, determining whether the payment should be authorized at least partially based on whether the verification code is

correct (e.g. the issuer financial institution will either authorize or decline the transaction; ¶0068); and

- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068).

Dominguez does not disclose the following element:

- sending from the authorization website an electronic notification directly to the payor that the payment has been authorized, if the payment has been authorized.

However, Putta teaches a system and method for facilitating access to financial instruments such as credit and debit card accounts, checking accounts, bank accounts and the like. Putta teaches the use of an authorization module that receives payment requests for authorization from merchants, based on a customer deciding to make a payment. Putta also teaches that if the customer preferences (i.e. user-modifiable preference conditions for their account) indicated that the customer should be notified upon a successful authorization, the customer is notified through notification interface 400 (e.g. to web browsers and wireless devices). [See ¶0022, ¶0049, ¶0054-0061, ¶0095 and Figs. 1-2 and 6].

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Putta within Dominguez for the motivation to provide flexible methods of processing transactions

and payments based on existing credit card processing infrastructure while requiring minimal changes (§0021).

Neither Dominguez nor Putta discloses or teaches the following elements:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller; and
- wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (§0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; §0058 and §0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message

to the cardholder's browser as disclosed by Dominguez and taught by Putta, with the inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claims 2-3, Dominguez does not disclose the following limitations;
however Friedman teaches the limitations:

- storing format information for each of a plurality of billers (e.g. stores within a database 280, particularly tables 436 and 434, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site; ¶0071);
- retrieving format information for a biller to whom authorization is sent (¶0071); and
- formatting the electronic notification based on the retrieved format information (¶0071); and

- wherein the received information includes an e-mail address for the payor, and wherein sending the electronic notification includes sending the electronic notification in the form of an e-mail directly to the payor through the worldwide web (e.g. User Email field 904 represents the email address of the user who has bought items at the vendor's web site; ¶0080 and ¶0083).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send the confirmation message in such a way that the cardholder would have the impression that the confirmation message (i.e. web page) was sent by the merchant as taught by Friedman, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 4, Dominguez discloses the following limitations;

- wherein determining whether the payment should be authorized includes at least one of determining whether the payment will exceed the credit

limit of the payor's credit card, determining whether the payment will exceed the credit limit of the payor's debit card, or validating the payor's bank account (e.g. Cardholder authentication information includes information such card account number and account balance; ¶0050),

As to claims 11-12, Dominguez discloses the following limitation:

- providing a preliminary calculation of fees to the customer in response to supplying the amount and a means of payment (¶0245); and
- receiving, from the biller, a plurality of accumulated payments to be authorized in a batch by means of a function call (e.g. authorization messages can be batched and sent in a group at a later time; ¶0068)

As to claim 15, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (¶0068), wherein the information identifies:
 - a payor (e.g. cardholder name; ¶0050),
 - an amount to be paid (e.g. payment amount; ¶0066),
 - an account to be used to make a payment (e.g. card account number; ¶0066),
 - a credit card number or a debit card number (e.g. card account number; ¶0066),

- a verification code (e.g. cardholder verification value 2 (CVV2); ¶0053 and ¶0068);
- determining whether the payment should be authorized at least partially based on whether the verification code is correct (e.g. the issuer financial institution will either authorize or decline the transaction; ¶0068); and
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068).

Dominguez does not disclose the following element:

- sending from the authorization website an electronic notification to the payor that the payment has been authorized.

However, Putta teaches a system and method for facilitating access to financial instruments such as credit and debit card accounts, checking accounts, bank accounts and the like. Putta teaches the use of an authorization module that receives payment requests for authorization from merchants, based on a customer deciding to make a payment. Putta also teaches that if customer preferences (i.e. user-modifiable preference conditions for their account) indicated that the customer should be notified upon a successful authorization, the customer is notified through notification interface 400 (e.g. to web browsers and wireless devices). [See ¶0022, ¶0049, ¶0054-0061, ¶0095 and Figs. 1-2 and 6].

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Putta within Dominguez for the motivation to provide flexible methods of processing transactions and payments based on existing credit card processing infrastructure while requiring minimal changes (§0021).

Neither Dominguez nor Putta discloses or teaches the following elements:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller;
- wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller;
- storing, in connection with the authorization website, format information for each of a plurality of billers;
- retrieving format information for a biller to whom authorization is sent; and
- formatting the electronic notification in the format of the biller to whom authorization is sent.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a

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client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (¶0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; ¶0058 and ¶0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez and taught by Putta, with the inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, Putta and Friedman as applied to claim 1 above, and further in view of Ensel et al., Pat. No. 6,493,685 (hereinafter Ensel).

As to claim 5, neither Dominguez, Putta nor Friedman discloses or teaches the following limitations:

- wherein determining whether the payment should be authorized includes, in a request for payment from a bank account:
- communicating authorization;
- submitting the transaction for bank clearance after authorization;
- and communicating clearance failure to the biller if and when clearance failure is received.

However, Ensel teaches that in a method for an electronic account presentation and response system there is a process for accepting a payment from a bank account. Ensel teaches that the system generates an ACH debit to the customer to debit the account identified by the customer, and also credits the biller in the amount debited from the customer. If later the ACH does not clear, after two attempts, the system will debit the account of the biller. At this time, it is the responsibility of the biller to start a collection process against the customer (column 17, line 41 thru column 18, line 18). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the online account authentication service as disclosed by Dominguez, the method for presenting electronic bills to consumers and for processing consumer payments (col. 1, lines 5-11) as taught by Ensel, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in

that art would have recognized that the results of the combination were predictable.

See MPEP 2143 (Rev. 6, Sept. 2007).

As to claim 6, Dominguez discloses the following limitation:

- accumulating a plurality of payment requests over a period of time; and submitting the accumulated plurality of payment requests for clearance in a batch (e.g. authorization messages can be batched and sent in a group at a later time; ¶0068).

9. Claims 7-8, 10 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, Putta and Friedman as applied to claims 1 and 13-15 above, and further in view of Byrne et al., Pub. No. 2003/0229590 (hereinafter Byrne).

As to claims 7-8, 10 and 26-28, neither Dominguez, Putta nor Friedman discloses or teaches the following limitations; however, Byrne teaches the limitations:

- pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (¶0045);
- reversing a payment authorization at a request of the biller, wherein the request of the biller is provided prior to an end of a business day, and wherein the authorization was given during the same business day; and notifying at least one bank or credit card organization to whom the

payment authorization was communicated (e.g. credit or void; ¶0041-0042 and ¶0105);

- receiving from a biller at least one of restrict or unrestrict instructions for an account of one or more customers; storing the instructions in association with the authorization website; and retrieving and implementing the instructions upon receipt of a payment request for the account (e.g., reject orders from certain e-mail accounts or credit cards; ¶0149); and
- first pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (¶0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (¶0009).

10. Claim 9 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, Putta and Friedman as applied to claim 1 above, and further in view of Byrne and Jamison et al., Pub. No. 2003/0191711 (hereinafter Jamison).

As to claim 9, neither Dominguez, Putta nor Friedman discloses or teaches the following limitations; however Byrne teaches the following limitations:

- storing, at said authorization website, basic billing information for each of a plurality of customers of a biller (e.g. customer's credit card information is stored at the integrated payment system 50; ¶0028 and ¶0045);
- providing the biller with access to the billing information for each of the customers (¶0045); and
- allowing the biller to modify the accessed billing information directly (¶0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (¶0009).

Neither Dominguez nor Bryne discloses or teaches the following limitation; however Jamison teaches the limitation:

- giving a customer access to customer's associated billing information (e.g. customer can modify the information contained in the payment account; ¶0212).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Jamison within the Dominguez and Bryne combination for the motivation to provide a technique for paying bills to any biller website that permits online payment of a bill by an electronic bill presentment and payment ("EBPP") systems (¶0003 and ¶0025).

11. Claims 16-17, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, in view of Friedman.

As to claim 16, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (¶0068), wherein the information identifies:
 - a payor (e.g. cardholder name; ¶0050),
 - an amount to be paid (e.g. payment amount; ¶0066),
 - an account to be used to make a payment (e.g. card account number; ¶0066);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or

- refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068);
- sending an electronic notification to the payor that the payment has been authorized (e.g. the merchant may send an order confirmation message to the cardholder's browser; ¶0034);
 - assigning an identification number for each transaction for a given the biller (e.g. The payment response message contains a card authorization verification value (CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103); and
 - transmitting the identification number to the biller (¶0103).

Dominguez does not disclose the following elements:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller; and
- wherein electronic notification is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a

client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (§§0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; §§0058 and §§0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez and taught by Putta, with the inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 17, Dominguez discloses the following limitation:

- assigning an identification number for each transaction for each biller of a plurality of billers (e.g. The payment response message contains a card

authorization verification value (CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103);

- storing the identification numbers (¶0103); and
- transmitting the identification numbers associated with one of the billers to the biller in a report of transactions associated with the biller during a specified period of time (¶0103).

As to claim 20, Dominguez discloses a system for authorizing one or more bill payments, the system comprising:

- an authorization web server programmed for selective communication through the worldwide web with a plurality of billers' web servers (e.g. issuer's authorization & settlement system; ¶0036 and Fig. 1);
- a programmed digital computer system linked to the authorization web server to obtain authorization information from financial institutions authorizing or rejecting payment requests received at the billers' web servers from payors' computers through the worldwide web and communicating authorization information to the appropriate billers' web servers by the use of web services programming (¶0032-0036 and Fig. 1);
- the programmed digital computer system being programmed to edit information relating to payment requests received at the billers' web servers from payors' computers through the worldwide web (¶0068).

Dominguez does not disclose the following element:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller;
- the programmed digital computer system being programmed to send, directly to the payor's computer originating the payment request, an e-mail containing the authorization information, wherein said e-mail is formatted in a predefined format specified by the biller such that the e-mail appears, to the consumer, to be generated by the biller.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (¶0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; ¶0058 and ¶0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez and taught by Putta, with the

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inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 24, Dominguez discloses the following limitation:

- wherein the computer system is programmed to demand that credit card or debit card verification codes be submitted with any credit card or debit card payment requests, and to use the verification codes with other credit card information to protect against fraud in obtaining authorization for card payments (§0053).

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, in view of Putta, Friedman and Mersky et al., Pat. No. 6,119,106 (hereinafter Mersky).

As to claim 18, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:

- a payor (e.g. cardholder name; ¶0050),
- an amount to be paid (e.g. payment amount; ¶0066),
- an account to be used to make a payment (e.g. card account number; ¶0066),
- determining whether the payment should be authorized (e.g. the issuer financial institution will either authorize or decline the transaction; ¶0068); and
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068).

Dominguez does not disclose the following element:

- sending from the authorization website an electronic notification to the payor that the payment has been authorized.

However, Putta teaches a system and method for facilitating access to financial instruments such as credit and debit card accounts, checking accounts, bank accounts and the like. Putta teaches the use of an authorization module that receives payment requests for authorization from merchants, based on a customer deciding to make a payment. Putta also teaches that if customer preferences (i.e. user-modifiable preference conditions for their account) indicated that the customer should be notified upon a successful authorization, the customer is notified through notification interface

400 (e.g. to web browsers and wireless devices). [See ¶¶0022, ¶¶0049, ¶¶0054-0061, ¶¶0095 and Figs. 1-2 and 6].

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Putta within Dominguez for the motivation to provide flexible methods of processing transactions and payments based on existing credit card processing infrastructure while requiring minimal changes (¶¶0021).

Neither Dominguez nor Putta discloses or teaches the following elements:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller; and
- wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the

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impression that he/she is still connected to the vendor's web site (§§0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; §§0058 and §§0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez and taught by Putta, with the inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

Dominguez also does not disclose the following elements:

- one or more billing personnel responsible for bills; and
- reporting the information identifying the billing personnel to the biller when reporting the authoritarian authorization results.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where transaction files include a plurality of records, with each having information pertaining to a particular transaction.

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Mersky teaches that the information includes an agent number (column 9, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within Byrne for the motivation of creating reports of the daily transactions, for each creditor (e.g. biller), that include all details for each transaction, including the agent responsible for enter the payment into the system (column 10, lines 1-67).

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, in view of Putta, Friedman, Mersky and Coskrey, IV, Pat. No. 6,676,016 (hereinafter Coskrey).

As to claim 19, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:
 - a payor (e.g. cardholder name; §0050),
 - an amount to be paid (e.g. payment amount; §0066),
 - an account to be used to make a payment (e.g. card account number; §0066),
- determining whether the payment should be authorized (e.g. the issuer financial institution will either authorize or decline the transaction; §0068);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or

refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068);

- determining a correctness of the verification code of a credit card or debit card used in the payment (¶0053 and ¶0068);
- assigning an identification number for each transaction for the biller (e.g. the payment response message contains a card authorization verification value (CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103); and
- transmitting the identification number to the biller (¶0103).

Dominguez discloses that the merchant may send an order confirmation message to the cardholder's browser; however, Dominguez does not disclose the following element:

- wherein the authorization information is formatted to appear as originating from the biller and in a predefined format (e.g. logos, font characteristics, etc) specified by the biller.

However, Friedman teaches the inventive concept of a server that is not a vendor's server sending a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which

emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (§§0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; §§0058 and §§0071).

It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, with the inventive concept as taught by Friedman, to produce the combined result of a server other than the merchant's server sending a web page with confirmation message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

Note: The limitation "sending an e-mail to the payor that the payment has been authorized, wherein the e-mail is formatted in a predefined format (e.g. logos, font characteristics, etc) and **presented as originating from the biller**" has been interpreted as the email actually does originate from the biller (i.e. a different interpretation when compared to the other independent claims).

Dominguez discloses that the cardholder's account information includes the cardholder e-mail addresses, however Dominguez does not explicitly disclose the limitation:

- sending an e-mail to the payor that the payment has been authorized, wherein the e-mail is formatted in a predefined format (e.g. logos, font characteristics, etc) and presented as originating from the biller.

Coskrey teaches a retail terminal utilized as a gateway to an electronic billing application allows a user to gain access to the electronic billing application and thereafter tender payment for the bill. A paper bill that is sent to a user is encoded with user login information that is obtainable by the retail terminal. The retail terminal obtains the user login information from the bill and logs the user into the electronic billing application. Once the user has tendered payment, the retail terminal authorizes/verifies the payment method. Confirmation of the acceptance of payment (including partial payment in the case of a revolving credit account or the like) for the bill and/or crediting the account appropriately, may be evidenced by a digital receipt e-mailed to the user's e-mail account (either encoded into the bar code or on file). [See col. 6, lines 55-67]

Both Dominguez and Coskrey teach an electronic billing application in which authorization is required before payment is made and receipts are generated (see Dominguez ¶0041). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the online account authentication service as disclosed by Dominguez, the method of e-mailing a digital receipt to the user's e-mail account as taught by Coskrey, since the claimed invention is merely a combination of

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old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept. 2007).

Dominguez also does not disclose the following elements:

- determining an identify of billing personnel responsible for bills; and
- reporting to the biller an identity of the billing personnel with an authorization result.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where transaction files include a plurality of records, with each having information pertaining to a particular transaction. Mersky teaches that the information includes an agent number (column 9, lines 50-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within Byrne for the motivation of creating reports of the daily transactions, for each creditor (e.g. biller), that include all details for each transaction, including the agent responsible for enter the payment into the system (column 10, lines 1-67).

14. Claims 21-22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claims 16 and 20 above, and further in view of Byrne.

As to claims 21-22 and 29, neither Dominguez nor Friedman discloses or teaches the following limitations; however, Byrne teaches the limitations:

- wherein said authorization information is sent to the payor's computer and the biller's web server substantially simultaneously (e.g. complex schema that contains the URL to post transaction response information back to the merchant and for sending confirmation e-mails; ¶0107);
- wherein information regarding a format desired for communications to consumers on behalf of each of a plurality of billers is stored and retrieved to format the e-mail sent to the payor in a format desired by the biller whose bill is being paid (¶0092-0093 and Table 1); and
- first pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (¶0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (¶0009).

15. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claim 20 above, and further in view of Mersky.

As to claim 23, neither Dominguez nor Friedman discloses or teaches the following limitations:

- wherein the computer system is programmed to apply a transaction number to each transaction for the biller, store the transaction numbers, and report the transaction numbers to the biller; and
- wherein the computer system is programmed to receive, store, and report to each biller an identity of billing personnel responsible for obtaining the authorized payment authorized.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where each transaction is assigned an identification number and for transactions involving an agent (i.e. billing personnel); the agent number is included in the transaction record, which is stored in a database. Mersky also teaches that the information related to each transaction is communicated to the biller (e.g. creditor; column 9, line 33 thru column 10, line 67; and column 12, lines 10-12). Mersky also teaches that the system receives, stores and reports to each biller (e.g. creditor) the identity of the billing personnel (e.g. agent) responsible for obtaining the payment authorized (column 9, line 33 thru column 10, line 67; and column 12, lines 10-12). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within

Dominguez for the motivation of creating and storing records for each transaction, of each creditor (e.g. biller), where the records contain a plurality details on the particular transaction.

16. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, Friedman, Coskrey and Mersky as applied to claim 19 above, and further in view of Byrne.

As to claim 30, neither Dominguez, Friedman, Coskrey nor Mersky discloses or teaches the following limitation; however, Byrne teaches the limitation:

- first pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (¶0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (¶0009).

Response to Arguments

17. Applicant's arguments filed March 11, 2009 have been fully considered but they are not persuasive.

Applicants argue (pg. 15, in regards to independent claims 1, 13-16 and 18-30) that the cited art alone or in combination fails to teach or suggest transmitting information to both the biller and the payor, much less transmitting information to both that appears to originate from the biller. In particular, Applicants argues:

transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller; and

sending from the authorization website an electronic notification directly to the payor that the payment has been authorized, if the payment is authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller..

Response: The Examiner respectfully disagrees with Applicants. Dominguez clearly discloses that after the processing of the authorization transaction is completed by the issuer financial institution, control of the purchase transaction is then returned to the merchant's storefront software via the payment network. The issuer then returns the authorization response via the payment network to the merchant (¶0068; i.e. transmitting information to the biller).

In regards to sending from the authorization website an electronic notification directly to the payor that the payment has been authorized, if the payment is authorized – this is taught by Putta, who clearly teaches that an authorization module will notified a customer upon a successful authorization, the notification sent to a web browsers or a wireless devices.

And in regards to authorization information and the electronic notification being formatted to appear as originating from the biller and in a predefined format specified by the biller – the Dominguez, Putta and Friedman combination teaches this element.

Friedman adds the inventive concept that a web server other than the a vendor's server being able to send a message that emulates the look and feel of a vendor's web page (i.e. electronic document), said document appearing to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site. Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server).

Therefore, the Examiner maintains that the combination of Dominguez, Putta and Friedman discloses and teaches the invention as recited in independent claims 1, 13-16 and 19-20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Alexander Kalinowski/
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